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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,708	11/13/2006	Geir Stang Hauge	RR-633 PCT/US	9178
20427	7590	04/09/2008		
RODMAN RODMAN 10 STEWART PLACE SUITE 2CE WHITE PLAINS, NY 10603			EXAMINER MATTHEWS, TERRELL HOWARD	
			ART UNIT 3653	PAPER NUMBER
			MAIL DATE 04/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,708

Applicant(s)

STANG HAUGE ET AL.

Examiner

Terrell H. Matthews

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date 11/06/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lassiter (US-5038910).

Referring to claims 1-9,11-18. Lassiter discloses a "Bucket Distribution System". See Figs. 1-35 and respective portions of the specification. Lassiter further discloses a device for individually transporting articles of different type, size, weight, material, or shape to one delivery location of a plurality of delivery locations (52a-d) that is designated for the respective article, a plurality of transport containers (44) being arranged to move in a spaced apart relation along a transport path as an endless, moving row of containers, characterized in: an article recognition means (51) for identifying articles prior to location at which the articles are to be placed one by one in a respective transport container to yield only one article per container. Additionally, Lassiter discloses a television camera (51) which is located to inspect the articles one by one to establish that just one article is placed or is present in a respective dedicated transport container and wherein the article is not a strange article. (See at least Col. 5 l. 5 - 40). Lassiter further discloses a container actuating means (148) mounted at each of

said plurality of delivery locations, a respective one of said actuating means in one state capable of entering into activated position related to a designated delivery location for an identified article, to cooperate with a respective transport container so as to cause removal of the identified article from the container at its designated delivery location, said actuating means in a second state controllable to be in an inactive position to selectively allow a container to pass the delivery location related to said respective actuating means when a container contains an article not designated for delivery there at (See at least Col. 8 I. 14 – Col. 9 I. 30). Lassiter further discloses wherein the transport containers (44) at a delivery location designated for an article is arranged to cooperate with means at the delivery location for emptying the transport container in the course of rotating the container through a 360 degree about an axis of rotation thereof so as to discharge the article under the effect of gravity (See at least Col. 8 I. 15 - 56). Moreover, Lassiter discloses that transport containers (44) have guide pins (86,88) on both sides of the container which form anti-rotation supports in at least parts of the horizontal positions of the transport path and wherein the guide pins are arranged in cooperation with said actuating means and further designed to cooperate with a toothed engaging element location stationary at the delivery location to effect controlled location of the transport container (See at least Col. 9. 65 - Col. 10 I. 43). Lassiter does not disclose wherein the article recognition means identify each article as regards to its type of material. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Lassiter wherein the article recognition means were capable of identifying the type of material of each article so that articles

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could be further separated based solely on their type of material composition. It should be noted that it is generally known in the field of the art to provide article recognition means in sorting apparatuses to distinguish between articles material composition. With respect to claims 1-10, the method described in these claims would inherently result from the use of Lassiter's "Bucket Distribution System" as advanced above and further described below.

Referring to claim 10,19. Lassiter discloses the apparatus as described above in detail. Lassiter does not explicitly disclose wherein the transport containers (44) receiving articles in the form of empty packaging units elected from the group of cans of metal or plastic and bottles of plastic or glass. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Lassiter so that cans of metal or plastic or bottles of plastic or glass were the received articles transported in transport containers so that glass and plastic containers could be separated from one another in an efficient manner for an easy way to separate recyclable materials. It should further be noted that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

Referring to claim 20. Lassiter further discloses wherein a pair of chains or lines (76-79) are provided to drive the containers (44) through the transport path, said pair of chains or lines interacting with two pulling, rigidly interconnected, powered drive wheels around which the chains or lines are partly run; wherein holders on the chains or lines

are designed for successive cooperation with corresponding recesses in respective guide wheels for synchronous movement of said chains or lines; and wherein at least some of opposite pairs of said holders provide support for a pair of bearing pins on the containers (See at least Col. 6 l. 5 - 60 & at least Fig. 1,3).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell H. Matthews whose telephone number is (571)272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/

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Supervisory Patent Examiner, Art
Unit 3653

THM